



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: JULIAN=1

In re Application of:) Art Unit: 1641
)
Felix M. JULIAN et al) Examiner: A. Y. Lam
)
Int'l Appln. PCT/FR99/02145) Washington, D.C.
Appln. No.: 09/787,006)
)
Int'l Appln. Filed: 9/9/1999) Confirmation No. 1262
Nationalized: 9/10/2001)
)
For: METHOD FOR DETECTING OR) October 29, 2003
QUANTIFYING BASOPHILS...)

REPLY TO RESTRICTION REQUIREMENT

Customer Window, Mail Stop Non-Fee Amendment
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

Applicants are in receipt of Paper No. 7, an Office Action mailed September 29, 2003, entirely in the nature of a requirement for restriction.

Applicants have claimed priority from their corresponding French application filed on September 10, 1998. The PTO has received a copy of the priority document as indicated in the Form PCT/DO/EO/905 mailed April 13, 2001. Accordingly, applicants would appreciate an acknowledgement

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from the examiner of the receipt of applicants' papers filed under Section 119.

Restriction has been required among what the examiner considers to be five (5) patentably distinct inventions as pointed out on numbered page 2 of the Official Action. As applicants must make an election, even though the requirement is traversed, applicants hereby respectfully and provisionally elect Group I, presently claims 1-10, directed to a process for the detection or quantification of eosinophils and basophils, with traverse and without prejudice.

Applicants traversal is based on the fact that normal restriction practice does not apply in the present application, because it is the national phase of an international (PCT) application, wherein unity of invention rules apply rather than restriction rules, noting MPEP 823 and 1896. As all of applicants' claims meet the requirement of PCT Rules 13.1 and 13.2, unity of invention exists in the present application and the requirement must be withdrawn.

Accordingly, applicants respectfully request withdrawal of the restriction requirement and examination of all the claims on the merits.

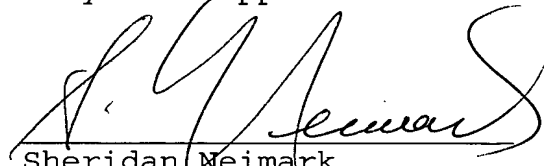
Appln. No. 09/787,006
Response dated October 29, 2003
Reply to Office Action of September 29, 2003

Applicants respectfully await the results of a first
examination on the merits.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of Felix Montoya JULIAN et al

Application No.: 09/787,006
Int'l Appln. No. PCT/FR99/02145I.A. Filing Date: September 9, 1999
Nationalized: September 10, 2001

For: METHOD FOR DETECTING OR QUANTIFYING BASOPHILS AND EOSINOPHILS

Art Unit: 1641

Examiner: A.Y. Lam

Washington, D.C.

Atty.'s Docket: JULIAN1

Date: October 29, 2003

Confirmation No. 1262

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Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

Transmitted herewith is a ☐ Amendment ☒ REPLY TO RESTRICTION REQUIREMENT in the above-identified application.☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.☒ No additional fee is required.☐ The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	*	MINUS	** 20	0
INDEP.	*	MINUS	*** 3	0

FIRST PRESENTATION OF MULTIPLE DEP. CLAIM

ADDITIONAL FEE TOTAL

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 9	\$
x 43	\$
+ 145	\$

OR

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 18	\$
x 86	\$
+ 290	\$

OR

TOTAL

\$

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- ☐ First - \$ 55.00
- ☐ Second - \$ 210.00
- ☐ Third - \$ 475.00
- ☐ Fourth - \$ 740.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

- ☐ First - \$ 110.00
- ☐ Second - \$ 420.00
- ☐ Third - \$ 950.00
- ☐ Fourth - \$ 1480.00

Month After Time Period Set

☐ Less fees (\$) already paid for month(s) extension of time on .☐ Please charge my Deposit Account No. 02-4035 in the amount of \$.☐ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$.☐ A check in the amount of \$ is attached (check no.).

☒ The Commissioner is hereby authorized and requested to charge any additional fees, which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

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